App. F. IX-4

1927.

File No. 14-27

Previous References

(Courts)

No 263-26-1

Serial Nos. 1-4

PRESERVED

Later References

LR 484-30(1-4)

General and Revenue Secretariat.

Serial Nos. Four

Part B for September 1927.

SUBJECT

Increase of process fees in civil courts to take effect from 16th October 1927

Notn No B 1664 dy 24-9-27 To the Compiler

Notifies the above

Manasseeramy Iyengar
3-11-27

G. R. S. III—11 1927-28

GENERAL AND REVENUE SECRETARIAT.

CS

NOTES

File No. 14-27

FILE HEADING.

Increase of process fees in civil courts

From

The Reg: Chief Court

Rose No. 2 Dated 6-7-27 Received 8-7-27

Diary No. 180	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Enquires whether in view of the fact that the establishment of the additional courts has been postponed till October next, the chief court under Section 29 of the Court Fees Regulation may not frame rules and submit for the sanction of Govt in the matter of the increase of process fees by 25% all issued as per Govt. no P.S.-L.39-5-3/CS-2 63-26-1) 4.4.27

NOTES AND ORDERS.

Submitted

1) In another connection an enquiry has been made of the Chief Court as to the desirability or otherwise of fixing two rates - one for the Kacha Civil Courts and the other - a slightly higher rate - for the other Courts. If approved the receipt of reply to that letter may be awaited

8/7/27

Please put up with file

14.7.

8/7/27

CS 12/7

12/7

NOTES—First Sheet.

WD 1881—GPB—30,000—1-8-21

App. F. III—2]

General and Revenue Secretariat. | C/S File No. 14 of 1927.

Serial No.

Subd. 3) The file referred to herein subd 2 I member today. Extracts from that file are put up.

4) The Law Secretary in c/s file 181-25 has noted that the Dewan has promised to Consult the Ship. Govt in re. the question of not raising fees (processfees) in Municipal Courts (Vide Flag X). Ind D Nr. 1117

Revision of Fees Cott.

5) The receipt of orders from the I members of Council in that file maybe awaited

6) The file was returned today

12/7/27

16/7

14/7

7) First Members orders in c/s file 181 25 on the Law Secy's note dt 11.7.27.

'May be considered at Joint meeting'.

Ind Kie.

13/7

Subd

8) May a dft be put up intimating that this question will be considered in a joint meeting proposed to be held on the receipt of mr dt the Hon C.S Srinivasaraghava Iyer's report

16/7

19/7

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

General and Revenue Secretariat.

File No. 14 of 1927

Serial No.

1) Subd with adapt.

2017 A20/7

11) For appl

mw 2w/7

Secy Law Dept)

12 appd 8/7 21.7

13 Issue mw 21/7

2 To

The Deputy Chief Court

Rop 607 dt 26.7.27

States that the question may be considered at the joint meeting of the Judges of the Chief Court with the members of Govt proposed to be held on the receipt of Mr Justice C.S.D. Lyle's report in the matter of the combination of civil and magisterial functions.

Subd

14) Now that it has been decided to raise the rates of process fees by 25%, the Chief Court may be requested to frame Supplt rules and forward the same for the sanction of Govt

21/9/27

NOTE—Contn. sheet.

0371 Fd12B 60,000—24-5-27

General and Revenue Secretariat. | File No. 14 of 1927

Serial No.

From

The Regr. Mucp. Court

Letter no Rvc 39 dt 20.5.27

Forwards draft notifications raising the rates of process fees by 25% as amended as ordered.

Encld.

15 The rates charged are exactly 25% in all cases except in 1-a (2) where the old rate has been retained. The fractions of reference overfort fees have also been calculated and tabulated. The draft may perhaps be approved

23/9

23/9 23/9

16 In calculating the increase by 25%, fractions of an anna are remitted to facilitate the use of stamps now in use.

17 Draft Govt to beg the Regr Court may be approved

25.8/23/9

Sec 22/9

Sec. Leg.

First Member

RQ 23/9

S 23/9

Sec 23/9/27

S 23/9

NOTE—Contn. sheet

B

WD 0324—GPB—60,000—24-5-27

1676 App. F. III—2]

General and Revenue Secretariat. .	No. File No. 14 of 1927.
Serial No.	To The Compiler Mysore Gazette Vide 1664 dt 24-9-27 Notifies the fixing of the Scale of fees chargeable for service and execution of processes issued by the Civil Courts.

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

1920/P

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore....6th..July.....*192* 7

R. O. C. Dis. No. 2/27-8

Ch/14-26-1

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-law,,
Secretary to the Government of His Highness
the Maharaja of Mysore, Law Department,
BANGALORE.

Sir,

I am directed to invite kind reference to paragraph 5 (6) of the Government Order No. P. 5239-53 cts. 263-26-1, dated the 4th April 1927 passing orders on the recommendations of the Laws' Delays' Committee, observing that Government consider that an all-round increase of 25 per cent in the rates of process fees is necessary and to request to be informed whether in view of the fact that the establishment of additional courts has apparently been postponed till 1st October next, the Chief Court, under the powers vested in it by Section 29 of the Court Fees Regulation may not frame rules and submit them for the sanction of Government, for being subsequently published in the Gazette so as to ~~the~~ admit the rate of enhanced process fees coming into force with effect from 1st October 1927.

I have the honour to be,
Sir,
Your most obedient servant.

Sreenivasa Raghavachari
REGISTRAR.

KVN/-

APP. F. VI. Gl.]

2

SUBJECT.....

.....

.....

Section C5

File No. 4-27

Serial No. 2

No. P607

To The Registrar Chief Court.

Sir

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 26/7/27

Signed by.....

With reference to my letter no Roc 2/27-28 dt 6.7. re framing of rules under section 29 of the Court Fees Regulations for the enhancement of the rates of process fees by 25-Gn. 9 am directed to state ~~that your~~ ~~Dated~~ that the question may be considered at the joint meeting of the judges of the Chief Court with the Members of Court proposed to be held on the receipt of Mr. Justice C. S. Srinivasa Iyer's report in the matter of the Contractual of Court and ministerial functions.

I have etc

List of enclosures.....

Copied by.....

Examined by.....

over

Recd copy of letter dated 28/7/27

WD 01265—GPB—31,000—24-12-25

28/7/27 Copy of letter dated 26/7/27

1676 P 27

IMMEDIATE.

Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 20th September 1927.

R. O. C. Dis. No. 39 / 27-28 Encorse

Ch 14-27-3

From

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

To

B. NAGAPPA, Esq., Bar-at-Law.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

Sir,

I am directed to invite reference to para 5 (6) of G.O.No.P.5239-53/Cts. 263-26-1 dated 4th April 1927, directing that the rates of process fee may be increased all round by 25 per cent and to state that the subject was again considered at the recent -- Conference between the Judges and the Members of Government, wherein the decision to give effect to the increase was reaffirmed.

2. Under Section 29(1) of the Court Fees Regulation, the Chief Court has to issue a Notification regarding the alteration in the present rates of process fees and after obtaining the sanction of Government therefor to publish the same in the Gazette which shall thereupon come into effect.

3. I am to forward herewith for favour of sanction by Government the accompanying draft Notification and to observe that in the case of some of the existing items, as e.g., item 1 (c) (2) when summons is to be served by the party himself on his own witness, to every additional witness residing in the same village or town,-- and in the case of some kinds of emergent processes, a 25 per cent increase will involve fractions of an anna for which stamps of the proper denomination are not available. I may add that the mode of

levying

levying fees chargeable under the Court Fees Regulation is by stamps. In fixing therefore the revised -- enhanced fees the Chief Court has preferred to omit all fractions of an anna wherever a 25 per cent increase involves them. As for example, if the existing fee plus 25 per cent comes to 2 annas 6 pies, the Chief Court has preferred to fix the fee at 2 annas. The loss consequent on this is not likely to be appreciable as only a few kinds of processes come within that -- category.

This was approved by the Chief Court in meeting yesterday approved RG 23/9

4. As it is intended that the enhancement in the rate of process fees should come into effect from the 14th of October 1927, I am to request the favour of vary early orders in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

Registrar. 20/9/27

P/664/Cb14-27 & 24.9.27 5

DRAFT NOTIFICATION.

Under Section 29(1) of the Mysore Court Fees Regulation III of 1900, as subsequently amended, it is hereby notified that in substitution of the fees chargeable for the service, and execution of processes issued by the civil courts under Rule 24 of the Rules published in Notification, dated the 28th March 1911, the following scale of fees, which has received the sanction of the Government of His Highness the Maharaja shall be chargeable therefor, with effect from the 14th October 1927.

ORDINARY.

	Rs.	A.	P.
1. For each summons or notice.-			
(a) To a singke defendant, respondent or witness...	0	10	0
(b) To every additional defendant, respondent or witness residing in the same village or town if the process be applied for at the same time	0	5	0
(c) When the summons is to be served by the party himself on his own witness ...			
(1) To a single witness	0	5	0
(2) To every additional witness residing in the same village or town if the process be applied for at the same time	0	2	0
2. Warrant of arrest	1	4	0
3. Proclamation of sale	0	10	0
4. Warrant of attachment of moveable or immoveable property	1	4	0
5. Warrant of sale of immoveable property in cases ~~max~~ exceeding Rs. 50/- in value	1	4	0
6. Warrant of sale of immoveable property in cases not exceeding Rs. 50/- in value	0	10	0
7. Warrant of sale of moveable property	0	10	0
8. Warrant of delivery of possession of property, moveable or immoveable if no attachment has taken place.	The fee for the attachment of the said property.		
If the attachment has taken place.-			
For immoveable property	1	4	0
For moveable property	0	10	0

RC/24/9

	Rs.as.ps.
9. Injunction, order or notice not otherwise provided for..	0-10-0
And for every additional process of the same nature if applied for at the same time and if the person to be served resides in the same neighbourhood..	0- 5-0

EMERGENT:

1. For each summons or notice---	
(a) To a single defendant, respondent or witness....	0- 15-0
(b) To every additional defendant, respondent or witness residing in the same village or town if the process be applied for at the same time..	0- 7- 0
(c) When the summons is to be served by the party himself on his own witness.--- ..	
(1) To a single witness.	0- 7- 0
(2) To every additional witness residing in the same village or town if the process be applied for at the same time.	0- 3- 0
2. Warrant of arrest.	1-14- 0
3. Proclamation of sale.	0-15- 0
4. Warrant of attachment of moveable or immoveable property.	1-14- 0
5. Warrant of sale of immoveable property in cases exceeding Rs.50/- in value.	1-14- 0
6. Warrant of sale of immoveable property in cases not exceeding Rs.50/- in value.	0-15- 0
7. Warrant of sale of moveable property....	0-15- 0
8. Warrant of delivery of possession of property, moveable or immoveable if no attachment has taken place.	The fee for the attachment of the said property.
If the attachment has taken place--	
For immoveable property.	1-14- 0
For moveable property.	0-15- 0
9. Injunction, order or notice not otherwise provided for.	0-15- 0
And for every additional process of the same nature if applied for at the same time and if the person to be served resides in the same neighbourhood. .	0- 7- 0

N.B. (1) Where warrants are to be executed in different places separate

separate warrants with separate fees levied, should be issued if the places not being in the same village or town are more than five miles apart.

(2) The fee chargeable for warrants of sale is in addition to actual charges of advertisements as well as the commission, if any payable in the case of sales conducted through special agency -- under the orders of the Court.

(3) No fee is to be charged for any process issued by a court of its own motion.

Registrar. 20/9/29

B. O

Law Dept. with enquiries

Do.

The compiler may for information on the gazette (with a request that a set of proofs may be sent to this office

Copy to Regr. Chief Court under ack

No. P. 1664—*Cts.* 14-27, *dated* 24*th September* 1927.

Under Section 29 (1) of the Mysore Court Fees Regulation III of 1900, as subsequently amended, it is hereby notified that, in substitution of the fees chargeable for the service, and execution of processes issued by the Civil Courts under Rule 24 of the Rules published in notification dated the 28th March 1911, the following scale of fees, which has received the sanction of the Government of His Highness the Maharaja shall be chargeable therefor, with effect from the 14th October 1927:—

ORDINARY.

	Rs.	a.	p.
1. For each summons or notice.—			
(*a*) To a single defendant, respondent or witness ...	0	10	0
(*b*) To every additional defendant, respondent or witness residing in the same village or town if the process be applied for at the same time	0	5	0
(*c*) When the summons is to be served by the party himself on his own witness—			
(1) To a single witness	0	5	0
(2) To every additional witness residing in the same village or town if the process be applied for at the same time	0	2	0
2. Warrant of arrest	1	4	0
3. Proclamation of sale	0	10	0
4. Warrant of attachment of moveable or immoveable property	1	4	0
5. Warrant of sale of immoveable property in cases exceeding Rs. 50 in value	1	4	0
6. Warrant of sale of immoveable property in cases not exceeding Rs. 50 in value	0	10	0
7. Warrant of sale of moveable property	0	10	0
8. Warrant of delivery of possession of property, moveable or immoveable if no attachment has taken place.	The fee for the attachment of the said property		
If the attachment has taken place.—	Rs.	a.	p.
For immoveable property	1	4	0
For moveable property	0	10	0
9. Injunction, order or notice not otherwise provided for ...	0	10	0
And for every additional process of the same nature if applied for at the same time and if the person to be served resides in the same neighbourhood ...	0	5	0

EMERGENT.

1. For each summons or notice.—			
(*d*) To a single defendant, respondent or witness ...	0	15	0
(*b*) To every additional defendant, respondent or witness residing in the same village or town if the process be applied for at the same time	0	7	0
(*c*) When the summons is to be served by the party himself on his own witness.—			
(1) To a single witness	0	7	0
(2) To every additional witness residing in the same village or town if the process be applied for at the same time	0	3	0
2. Warrant of arrest	1	14	0
3. Proclamation of sale	0	15	0
4. Warrant of attachment of moveable or immoveable property	1	14	0
5. Warrant of sale of immoveable property in cases exceeding Rs. 50 in value	1	14	0
6. Warrant of sale of immoveable property in cases not exceeding Rs. 50 in value	0	15	0
7. Warrant of sale of moveable property	0	15	0
8. Warrant of delivery of possession of property, moveable or immoveable if no attachment has taken place.	The fee for the attachment of the said property.		
If the attachment has taken place.—			
For immoveable property	1	14	0
For moveable property	0	15	0
9. Injunction, order or notice not otherwise provided for ...	0	15	0
And for every additional process of the same nature if applied for at the same time and if the person to be served resides in the same neighbourhood ...	0	7	0

N.B.—(1) Where warrants are to be executed in different places, separate warrants with separate fees levied, should be issued if the places not being in the same village or town are more than five miles apart.

(2) The fee chargeable for warrants of sale is in addition to actual charges of advertisements as well as the commission, if any, payable in the case of sales conducted through special agency under the orders of the Court.

(3) No fee is to be charged for any process issued by a Court of its own motion.

By Order,

R. RANGA RAO,

Secretary to Government,
Law Department (in charge).